

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PAUL R.F. SCHUMACHER,

Plaintiff,

v.

CHARLES BETTA, *et al.*,

Defendants.

Civil Action No. 22-6167 (MAS) (TJB)

MEMORANDUM ORDER


This matter comes before the Court upon Plaintiff Paul R.F. Schumacher's ("Plaintiff") Third Motion for Default Judgment. (ECF No. 27.) Defendants Charles Betta and Geoffrey Horn (together, "Defendants") have not opposed. Before the instant motion, Plaintiff had previously moved for default judgment, which this Court denied on June 21, 2024. (ECF No. 21.) Plaintiff, however, was granted leave to file an amended complaint within forty-five days of the Court's Order, which Plaintiff did on July 31, 2024. (ECF No. 23.) Plaintiff subsequently filed affidavits of service as to Defendants on September 9, 2024. (ECF Nos. 25, 26.) Plaintiff filed the instant motion after thirty days passed and Defendants did not answer, move, or otherwise respond to the Amended Complaint.

Plaintiff, however, must obtain a Clerk's entry of default before moving for default judgment. *See* Fed. R. Civ. P. 55(a). "In general, an amended pleading supersedes the original pleading and renders the original pleading a nullity." *Garrett v. Wexford Health*, 938 F.3d 69, 82 (3d Cir. 2019) (citation omitted). "[T]he Clerk's entry of default on the original complaint was rendered moot since the amended complaint superseded the original complaint." *Dabur India Ltd. v. Meenaxi Enters. Inc.*, No. 21-11402, 2021 WL 3511130, at *1 (D.N.J. Aug. 10, 2021) (quoting

Auto. Rentals, Inc. v. Bama Com. Leasing LLC, No. 17-3877, 2018 WL 3159852, at *1 (D.N.J. Mar. 9, 2018)). As such, the Court “concludes that the Clerk’s entry of default on the earlier-filed pleading shall be set aside.” *Sarwar v. 208 WHP LLC*, No. 20-15762, 2021 WL 130526, at *1 (D.N.J. Jan. 14, 2021) (citing *Huertas v. TransUnion, LLC*, No. 08-244, 2009 WL 10690329 at *2 (D.N.J. Nov. 10, 2009)). Plaintiff’s Third Motion for Default Judgment will therefore be denied as premature. If and when Plaintiff requests and receives a Clerk’s entry of default as to the Amended Complaint, he may resubmit his motion for the Court’s consideration. Accordingly,

IT IS, on this 8th day of April 2025, **ORDERED** as follows:

1. The Clerk of Court shall reopen this matter.
2. Plaintiff’s Third Motion for Default Judgment (ECF No. 27) is **DENIED WITHOUT PREJUDICE**.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE